



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Environmental Waste Management

File: B-256492

Date: March 21, 1994

DECISION

Environmental Waste Management protests the rejection of the bid it submitted in response to invitation for bids No. GS-10P-94-LTC-0006, issued by the General Services Administration for asbestos abatement. GSA rejected Environmental's bid because Environmental submitted an unacceptable bid bond with it.

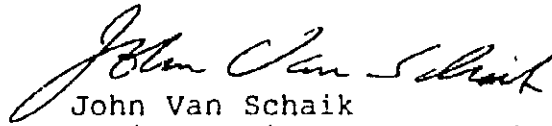
We dismiss the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis of its protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1993). In this regard, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 10-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

Here, on January 31, 1994, GSA notified Environmental first by telephone, and later by facsimile transmission of a letter, that its bid was being rejected because Environmental submitted a defective bid bond. Subsequently, GSA sent Environmental by certified mail, a copy of the letter which it had sent by facsimile. Environmental acknowledges that it received the telephone and facsimile notification of rejection on January 31. Environmental argues however, that the timeliness of its protest should be measured from February 3, the date it received the certified letter, because it was not certain until that date that the agency would in fact reject its bid. The letter which Environmental received by facsimile transmission on January 31, however clearly and unambiguously provided that Environmental's bid was being rejected because Environmental

submitted a defective bid bond. Accordingly, Environmental was required to file its protest no later than February 15. Since it was not filed until February 16 it is untimely and we will not consider it.

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "John Van Schaik".

John Van Schaik
Acting Assistant General Counsel